

## REMARKS

Applicant thanks the Examiner for review of the present application. Applicant also notes a change of attorneys representing Applicant in this case and a corresponding change of attorney docket number as noted on the first page of this response.

The Office Action of May 8, 2006, rejects Claims 65-74 under 35 U.S.C. § 112, first paragraph. Claims 36-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,848,830 to Castle ("the '830 Castle patent") in view of U.S. Patent 5,966,696 to Giraud ("the '696 Giraud patent"). Also, the drawings are objected to under 37 CFR 1.83(a).

Applicant has amended independent Claims 36, 42, 52, 54, 62, and 65 and dependent Claims 37, 39, 43, 46, 49, 53, 56-58, 63, 64, 67, 72, and 73. Applicant has canceled claims 48, 59-61, and 71.

Applicant submits herewith a Request for Continued Examination for consideration of this Preliminary Amendment.

### REJECTION UNDER 35 U.S.C. § 112 AND DRAWING OJECTION

The Office Action rejects Claims 65-74 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant has amended Claim 65 to recite, *inter alia*, a modifiable electronic display configured to occupy an area of a floor and to convey marketing information for a product including location information for the product, as is described in the application as filed at page 50 in paragraph 0225, at page 51 in paragraph 0226, and as shown in Figure 40. Applicant has deleted the language "that is proximal to the floor display." Accordingly, Applicant submits that this amendment overcomes the § 112 rejection and drawing objection.

### REJECTIONS UNDER 35 U.S.C. § 103(A)

The Office Action rejects Claims 36-64 under 35 U.S.C. § 103(a) as being unpatentable over the '830 Castle patent in view of the '696 Giraud patent. Independent Claims 36, 42, 52, 54, and 62 have been amended to recite, *inter alia*, a modifiable electronic display configured to occupy an area of a floor, as is described in the application as filed at page 12 in paragraph 0076.

Similarly, certain dependent claims, which contain phrases such as “floor display,” “display,” or the like, have been amended with corresponding language that has antecedent basis to a modifiable electronic display. Applicant has made these amendments to more clearly and definitively claim the subject matter that Applicant regards as the invention. Applicant also believes these amendments will help to distinguish the static poster floor mat of the ‘830 Castle patent.

Applicant notes that page 4 of the Office Action acknowledges that the ‘696 Giraud patent does not teach having a display on the floor. Further, Applicant submits that the ‘830 Castle patent does not teach “a modifiable electronic display configured to occupy an area of a floor.” The ‘830 Castle patent merely teaches a floor mat that includes a static poster. For example, the ‘830 Castle patent discloses inserting a substrate into a pocket so that the substrate is visible through a portion of the mat. The ‘830 Castle patent teaches that the substrates that are put into the pocket of the floor mat are generally one or more posters (col.2, ll.60-61). Thus, the ‘830 Castle patent does not disclose a modifiable electronic display configured to occupy an area of a floor.


Further, Applicant submits that there is a lack of motivation to modify the ‘696 Giraud patent, such as by combining it with the ‘830 Castle patent to reposition and reconfigure the electronic display of the ‘696 Giraud patent on an area of a floor. As stated above, the ‘830 Castle patent merely teaches that static poster substrates are inserted into a pocket of a floor mat (col.2, ll.60-61). Thus, the ‘830 Castle patent would not motivate one of ordinary skill in the art to place an electronic display surface system on the floor. Likewise, the ‘696 Giraud patent does not disclose how to reposition or reconfigure the electronic display on a floor. For example, the ‘696 Giraud patent does not disclose a way of protecting motion detectors and other similar parts from impact forces, not to mention the general wear and tear that come with occupying an area of a floor. Therefore, Applicant submits that the motivation to combine the references is lacking. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to modify the ‘696 Giraud patent to result in the claimed invention. Accordingly, Applicant submits that these amendments and arguments overcome the § 103(a) rejections.

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Amdt. dated 11/06/2006

Conclusion

In view of the foregoing comments, Applicants submit that all of the pending claims of the present application, as amended, are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention. It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



James T. Pinyerd  
Registration No. 58,689

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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